

Wednesday, May 19, 2021

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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NATIONAL

1 Regan to EPA staffers: No timeline set for return to office, EE News, 5/18/21

<https://www.eenews.net/greenwire/2021/05/18/stories/1063732867>

EPA Administrator Michael Regan told agency employees that there are no dates set yet for when staff will return to the office and that he wants to hear from EPA employees on what their post-pandemic work life should look like. Regan's internal email obtained by E&E News comes as infections decline and the country begins to fully reopen.

2 Lawsuit aims to force EPA to address legacy asbestos uses, EE News, 5/18/21

<https://www.eenews.net/greenwire/2021/05/18/stories/1063732863>

A coalition of groups is suing EPA over its assessment of the dangers posed by asbestos, a move that comes amid a wave of escalating criticism over other chemical evaluations. The Asbestos Disease Awareness Organization and 11 other groups and asbestos experts announced the lawsuit today, shared exclusively with E&E News. Filed in the U.S. District Court for the Northern District of California, the new legal action seeks primarily to force EPA's hand on addressing legacy uses of asbestos.

NEW MEXICO

3 Report cites New Mexico refineries emitting high levels of carcinogen benzene, KRQE, 5/18/21

<https://www.krqe.com/health/report-cites-new-mexico-refineries-emitting-high-levels-of-carcinogen-benzene/>

A new environmental report shows two New Mexico cities are emitting benzene levels higher than what's federally allowed. Benzene is a carcinogen known to cause respiratory problems. The CDC reports that benzene causes harmful effects on the bone marrow and can cause a decrease in red blood cells leading to anemia. The Department of Health and Human Services has determined that benzene causes cancer in humans.

4 Study: Wildfires threaten river networks in western U.S, Mirage News, 5/18/21

<https://www.miragenews.com/study-wildfires-threaten-river-networks-in-562776/>

A new study conducted by researchers from The University of New Mexico has found that wildfires — which have been increasing in frequency, severity and extent around the globe — are one of the largest drivers of aquatic impairment in the western United States, threatening our water supply. The research, "Wildfires increasingly impact western U.S. fluvial networks," was published recently in Nature Communications.

5 Reining in Emissions, SF Reporter, 5/19/21

<https://www.sfreporter.com/news/2021/05/19/reining-in-emissions/>

You can't miss the oil wells dotting the horizon on the drive between Counselor and Farmington in the San Juan Basin. On some days, it's easy for residents of the area to let the bobbing heads of wells simply fade into the background. On other days, though, when the wind is right, there's no escaping the odor of oil hanging in the air. "Sometimes you pick up oil or gas smell and you just might not feel well, you might feel nauseated, you might notice a certain dryness in your throat, you might feel like throwing up," says Robyn Jackson, the climate and energy outreach coordinator for Diné CARE, a Navajo grassroots group advocating for stricter regulations on oil and gas emissions.

TEXAS

6 Texas Gov. Greg Abbott signs law to bar city climate plans from banning natural gas as fuel source, Texas Tribune, 5/18/2021

<https://www.texastribune.org/2021/05/18/texas-natural-gas-bans-climate-plans/>

Gov. Greg Abbott has signed a bill into law that prohibits Texas cities from banning natural gas as a fuel source for new construction and utility services. House Bill 17, which Abbott signed Tuesday, according to the Texas Legislature's online portal, is a response to a trend in progressive California cities. Abbott's office did not immediately respond to a request for comment.

7 Victoria port officials plan to move forward with Zinc Resources facility, Victoria Advocate, 5/18/21

https://www.victoriaadvocate.com/news/environment/victoria-port-officials-plan-to-move-forward-with-zinc-resources-facility/article_40dfbbce-b81e-11eb-ae8b-c3ab52f0081d.html

Officials at the Port of Victoria are moving forward with plans to bring a hazardous waste facility to town after an independent environmental consultant found the facility is likely to comply with environmental regulations. At a Tuesday afternoon meeting, Victoria County Navigation District commissioners took no formal action on the proposed Zinc Resources facility after going into executive session, but Executive Director Sean Stibich said they had reached a consensus to bring the \$55 million-\$60 million facility to the Port's north industrial site, pending the issuance of a final permit from the Texas Commission on Environmental Quality and the approval of a tax abatement by county officials.

8 Boil water notice rescinded for Marshall, 5/18/21

<https://www.kltv.com/2021/05/18/boil-water-notice-rescinded-marshall/>

The City of Marshall Public Works Department lifted the boil water notice Tuesday for the area of Hwy 59 and Cox Road.

PANDEMIC

Regan to EPA staffers: No timeline set for return to office

Kevin Bogardus, E&E News reporter • Published: Tuesday, May 18, 2021



EPA Administrator Michael Regan. Francis Chung/E&E News

EPA Administrator Michael Regan told agency employees that there are no dates set yet for when staff will return to the office and that he wants to hear from EPA employees on what their post-pandemic work life should look like.

Regan's internal email obtained by E&E News comes as infections decline and the country begins to fully reopen.

Noting the EPA staff's health is "our top priority," Regan said, "I want to reassure you that we will continue to maximize the use of telework as a part of our response to the COVID-19 pandemic."

Regan's message, sent yesterday, comes after agency staff were told on Friday masks would no longer be required for fully vaccinated people in EPA facilities (Greenwire, May 17).

The Office of Management and Budget has told federal agencies to drop the mask mandate for their offices, which is consistent with CDC guidance announced last week. Since then, there have been a wave of announcements by businesses as well as local and state governments loosening their own mask policies.

Some EPA employees are worried about the change in masking requirements over potential exposure to the virus. They also believe no longer requiring masks means EPA edged closer to a staff recall to the office.

Regan said in his email he understood staff have questions about EPA's plans during the remainder of the pandemic.

"At this time, I can share with you that we currently have no specific dates or timelines for when employees could begin returning to the office," Regan said, adding EPA will have "an ample transition period" when it is safe for more employees to return to the workplace.

Most agency staff have been teleworking since March 2020. Last year, Trump EPA leadership launched a phased reopening plan, which unnerved employees over a possible recall to the office within weeks, but that approach was abandoned by the Biden administration (Greenwire, April 23).

EPA has begun to contemplate what agency operations should look like after the pandemic. In his email, Regan said he wanted to hear from staff on what they will need in that future.

"As we start to plan out what work post-COVID-19 will look like, I want to understand what you think our post-reentry human resource policies and work environment should be, and how we can improve workplace safety, satisfaction, and efficiency in the future by learning from these recent experiences," Regan said. "I would like to hear about any flexibilities you will continue to need, or feel are appropriate for the future of EPA's work."

The EPA administrator said employees will receive a link to an anonymous survey in the near future to express their views and concerns. Also, each program and regional office will hold listening sessions with staff starting this week and the agency will be talking with unions and "key external stakeholders" to better understand how remote EPA operations affected them.

Regan said staff's feedback will inform EPA's input to OMB to help with "the development of post-COVID policies and help inform EPA's future work environment."

"Thank you for your time and thoughtful responses," Regan concluded his email.

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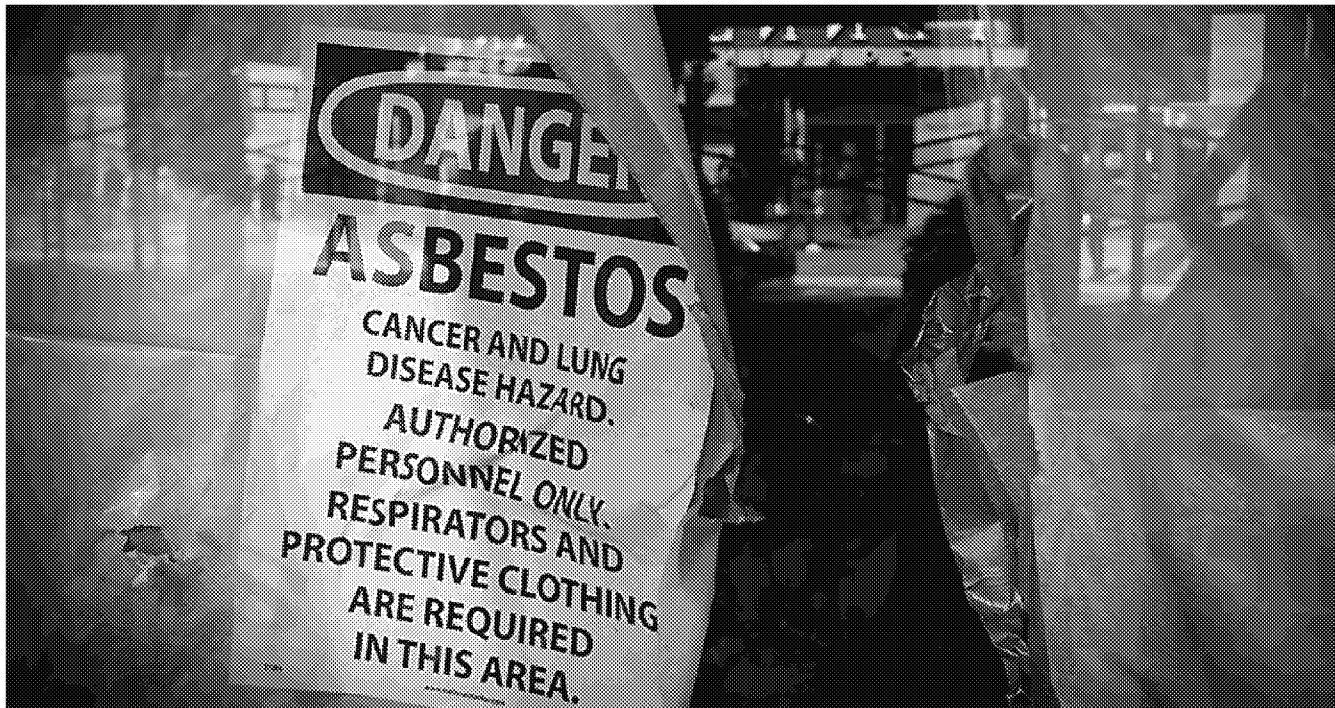
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CHEMICALS

Lawsuit aims to force EPA to address legacy asbestos uses

E.A. Crunkern, E&E News reporter • Published: Tuesday, May 18, 2021



A sign warns of asbestos danger at a cleanup site. Mark Lunt/Flickr

A coalition of groups is suing EPA over its assessment of the dangers posed by asbestos, a move that comes amid a wave of escalating criticism over other chemical evaluations.

The Asbestos Disease Awareness Organization and 11 other groups and asbestos experts announced the lawsuit today, shared exclusively with E&E News. Filed in the U.S. District Court for the Northern District of California, the new legal action seeks primarily to force EPA's hand on addressing legacy uses of asbestos.

Many industries have phased out asbestos, but the naturally occurring group of minerals persists — in so-called legacy uses — across the United States due to their prior use in everything from cars to buildings (Greenwire, March 12).

Advocates have increasingly pointed to the dangers lingering asbestos poses for workers and low-income communities of color.

"Despite the voluntary elimination of many asbestos products, the death toll from asbestos exposure remains high and is increasing," the groups state, noting that "the incidence of asbestos-related disease is elevated in populations with exposure to legacy asbestos."

They also argue that failure to crack down on asbestos in the past has made it the "poster child" for regulatory inaction on toxic substances.

The lawsuit comes after a Jan. 26 letter to EPA in which the organizations indicated their intent to sue under the Toxic Substances Control Act. Their main goal is to compel consideration of legacy asbestos uses, something that was not included in EPA's final risk evaluation.

That evaluation — one of the first 10 completed since TSCA was overhauled in 2016 — has been mired in controversy and allegations of industry interference. Legacy uses have been among the major contentions, as the Trump administration initially did not examine those sources of exposure.

In a November 2019 ruling, the 9th U.S. Circuit Court of Appeals ruled that excluding legacy uses from EPA's risk evaluation violated TSCA. The Trump administration ultimately released its asbestos evaluation as a "part one" assessment, with a second component set to follow. But advocates say EPA has dragged its feet on issuing that follow-up, a sluggish pace they say flies in defiance of the agency's obligations under TSCA.

"The Biden EPA has a lot of lost ground to recover on asbestos, and [Administrator Michael Regan] and the White House have recognized that asbestos must be a high priority," said Robert Sussman, counsel for ADAO and a former EPA official. "As the TSCA program transitions to a greater emphasis on public health protection, legacy asbestos should be a natural fit, and we expect EPA to set the wheels in motion without delay."

The asbestos risk evaluation is not the only TSCA assessment under fire from advocates. A number of organizations and public health experts have called on EPA to redo the first 10 assessments. Michael Freedhoff, President Biden's pick to lead the agency's chemicals office, has said the asbestos evaluation is among those under scrutiny but has not committed to a do-over ([E&E Daily](#), May 13).

Advocacy groups are hoping that escalating pressure on EPA will lead to a ban on asbestos imports in addition to a consideration of legacy uses. They are also pushing for nationwide mapping to determine asbestos-contaminated locations.

A spokesperson for EPA said the agency does not comment on pending litigation.

Environmental justice concerns

The Biden EPA has said equity and transparency will be priorities for the agency, giving hope to anti-asbestos activists who say their fight fits well within that ethos.

ADAO CEO and President Linda Reinstein said in an interview that the government's failure to act on carcinogens like asbestos has led to an "erosion of trust" between regulators and the public.

That dynamic is worse for environmental justice communities, she said, given that low-income people of color are disproportionately affected by chemical exposure, in addition to suffering financially when areas are abandoned over health concerns. In Davidson, N.C., for example, Black residents have grappled with the fallout from asbestos contamination, according to [reporting](#) by Charlotte public radio station WFAE.

Reinstein, whose husband died from mesothelioma in 2006, feels the government needs to take swift action on asbestos if environmental justice is in fact a priority for EPA.

"There is distrust within our country, and without a complete legacy study to know where asbestos risks are, Americans remain vulnerable," Reinstein said. "And those impacted by environmental racism will continue to pay a high price for inaction."

Dr. Celeste Monforton, a public health expert who lectures at Texas State University and previously worked for the Occupational Safety and Health Administration, similarly underscored the disproportionate risks asbestos poses for vulnerable communities and workers.

Legacy asbestos, Monforton said, threatens firefighters, maintenance workers and employees doing manual labor in older buildings. Many of the jobs that expose workers to asbestos are also held by members of groups that often work for lower pay, including undocumented immigrants and formerly incarcerated people.

"The individuals who are the most financially vulnerable, those can be the ones who turn to jobs for remediation work," Monforton explained.

Congress and EPA under pressure

Some are optimistic that Congress will push forward with the "Alan Reinstein Ban Asbestos Now Act," named after Linda Reinstein's husband.

That legislation ([S. 717](#) and [H.R. 1603](#) in the last Congress) would ban the processing, distribution and manufacturing of asbestos. Oregon Democratic co-sponsors Sen. Jeff Merkley and Rep. Suzanne Bonamici both told E&E News in March that they remain committed to the legislation and to ensuring congressional action on asbestos ([Greenwire](#), March 12).

The focus is likely to remain on EPA, however, given the agency's current scrutiny around a number of chemicals. Several advocates noted EPA's ongoing consideration of per- and polyfluoroalkyl substances as an indicator that regulators may be open to taking a more aggressive stance on asbestos.

Reinstein said today's lawsuit will keep pressure on the agency and potentially force a crackdown on asbestos — one she believes is long overdue.

"For those Americans who have paid a high price for EPA's failures, this is a critical step," said Reinstein.

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levels of carcinogen benzene



by: KRQE Staff

Posted: May 18, 2021 / 12:58 PM MDT / Updated: May 18, 2021 / 12:58 PM MDT

NEW MEXICO (KRQE) – A new environmental report shows two New Mexico cities are emitting benzene levels higher than what's federally allowed. Benzene is a

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The CDC reports that benzene causes harmful effects on the bone marrow and can cause a decrease in red blood cells leading to anemia. The Department of Health and Human Services has determined that benzene causes cancer in humans.

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Sign outside Deming Italian restaurant stirs up controversy

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The Environmental Integrity Project released the report that shows that the HollyFrontier refineries in Artesia and in Lovington were between 25% and 31% over federally allowed emission rates.

Story continues below

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Facility	Location	2019 Net Concentration (micrograms/cubic meter)	2020 Net Concentration (micrograms/cubic meter)	Change Between 2019 and 2020	% Over 9 Microgram Action Level (2020)
Delek Krotz Springs	Krotz Springs, LA	24.2	31.1	29%	246%
Philadelphia Energy Solutions	Philadelphia, PA	49.1	28.1	-43%	212%
Shell Chemical Mobile	Saraland, AL	8.6	20.3	137%	126%
Total Refinery Port Arthur	Port Arthur, TX	17.0	16.7	-2%	86%
Marathon Galveston Bay	Texas City, TX	12.1	15.1	25%	68%
Shell Norco Manufacturing	Norco, LA	8.5	14.6	72%	62%
Marathon Catlettsburg	Catlettsburg, KY	3.1	13.8	344%	53%
HollyFrontier Lovington	Lovington, NM	3.6	11.8	230%	31%
HollyFrontier Artesia	Artesia, NM	24.8	11.3	-55%	25%
Chalmette Refining	Chalmette, LA	12.1	11.2	-8%	24%
CITGO Corpus Christi East	Corpus Christi, TX	10.0	11.0	10%	22%
Phillips 66 Lake Charles	Westlake, LA	6.2	10.5	70%	17%
Phillips 66 Alliance	Belle Chasse, LA	7.7	9.4	22%	4%
Chevron Pascagoula	Pascagoula, MS	15.1	8.0	-47%	-11%
Pasadena Refining	Pasadena, TX	30.0	7.1	-76%	-21%
Flint Hills Resources East	Corpus Christi, TX	13.4	6.8	-49%	-24%
Phillips 66 Wood River Docks	Wood River, IL	11.9	5.1	-57%	-43%

In this chart, the annual benzene measurements for refineries have been adjusted downward to exclude benzene from non-refinery sources, as well as background and offsite emissions. EPA's action level is 9 micrograms per cubic meter, averaged over a year, which triggers requirements for investigations and cleanups at refineries.

(courtesy Environmental Integrity Project)

The Artesia HollyFrontier refinery reportedly saw its fenceline levels of benzene decline 55% last year however, they still averaged 25% over EPA guidelines in 2020. The report showed that annual benzene concentrations exceeded the EPA's action level at 13 refineries in Louisiana, Texas, Alabama, Kentucky, and Pennsylvania.

The report also indicates that more than 530,000 people live within three miles of these 13 refineries and citing data from the U.S. Census Bureau and EPA data, 57% of

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Protection Agency.

Table 2. Actual Benzene Concentrations and Nearby Populations, 2020

Location	Actual Benzene Levels (micrograms per cubic meter)		Population Within 3 Miles		
Facility	Highest 2-week Avg.	Annual Average Concentration	Total Residents	% People of Color ^a	% Below Poverty Level
Delek Krotz Springs (LA)	114.0	31.6	1,280	3%	43.1%
Philadelphia Energy Solutions (PA)	190.0	28.8	306,335	61%	45.1%
Valero Corpus Christi East (TX)	386.0	26.0	38,223	87%	58.7%
Shell Chemical Mobile Saraland (AL)	92.4	21.0	18,229	31%	43.8%
Marathon Galveston Bay Texas City (TX)	40.6	19.6	36,328	57%	38.8%
Houston Refining LP (TX)	98.0	18.0	86,718	89%	55.7%
Total Refinery Port Arthur (TX)	38.1	17.8	24,375	42%	37.3%
Shell Norco Manufacturing Complex (LA)	79.3	15.3	12,499	30%	24.0%
Marathon Catlettsburg Refining (KY)	166.0	14.1	11,538	3%	44.6%
HollyFrontier Lovington (NM)	210.0	14.0	120	42%	15.8%
HollyFrontier Artesia (NM)	31.0	12.7	13,522	54%	35.4%
CITGO Corpus Christi East (TX)	47.0	11.9	40,616	87%	59.7%
Chalmette Refining (LA)	57.5	11.7	56,803	55%	33.5%
Phillips 66 Lake Charles Westlake (LA)	49.0	11.2	11,255	20%	34.5%
Phillips 66 Alliance Belle Chasse (LA)	54.5	10.5	700	50%	25.4%
Flint Hills Resources Corpus Christi West (TX)	51.8	9.4	6,893	64%	37.7%
Shell Deer Park (TX)	32.1	9.2	31,653	41%	25.0%
TOTAL			697,087	62%	44.7%

Benzene levels are expressed in micrograms per cubic meter. The benzene sampling concentrations above reflect actual annual measurements as of December 31, 2020, not "net" concentrations that refineries use to assess compliance with EPA's action level of nine micrograms. Demographic data is from EPA's Enforcement and Compliance History Online. The totals reflect the percentage of total population that are people of color or living below the poverty line.

(courtesy Environmental Integrity Project)

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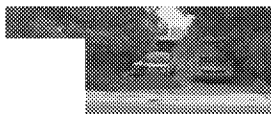
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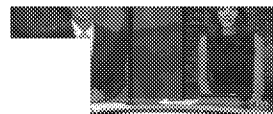
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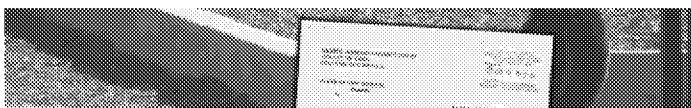


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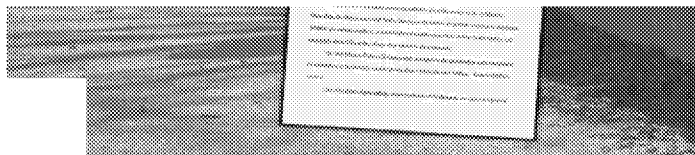
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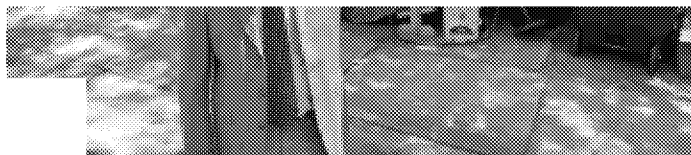
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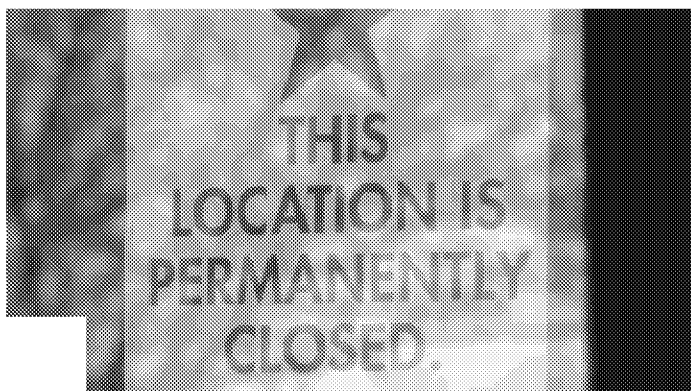
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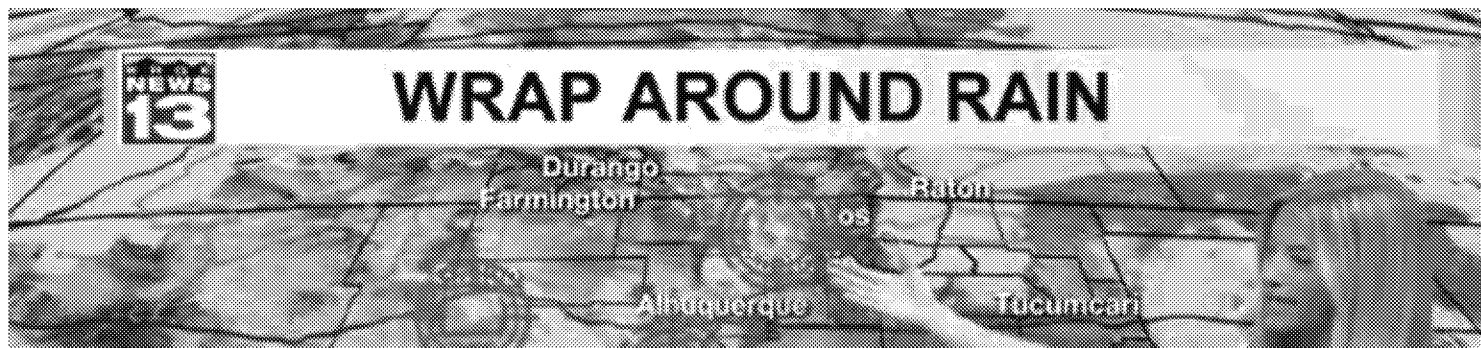
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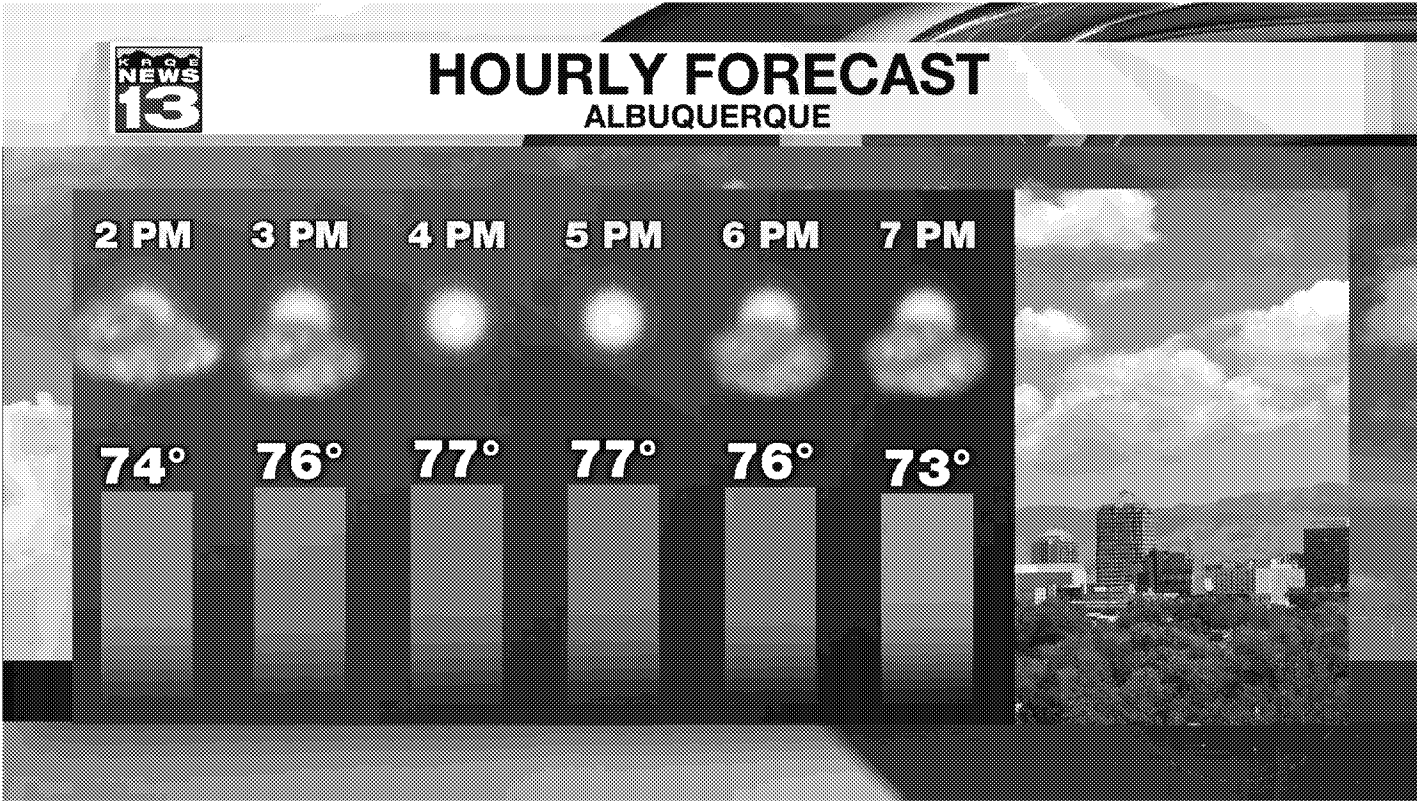


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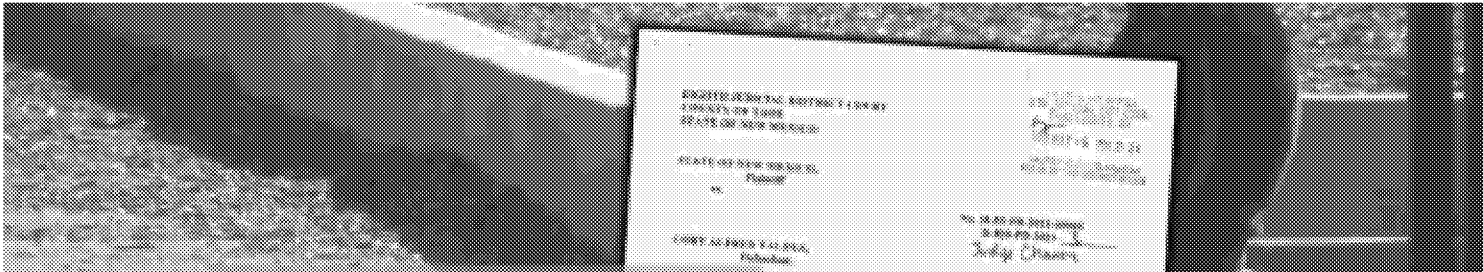


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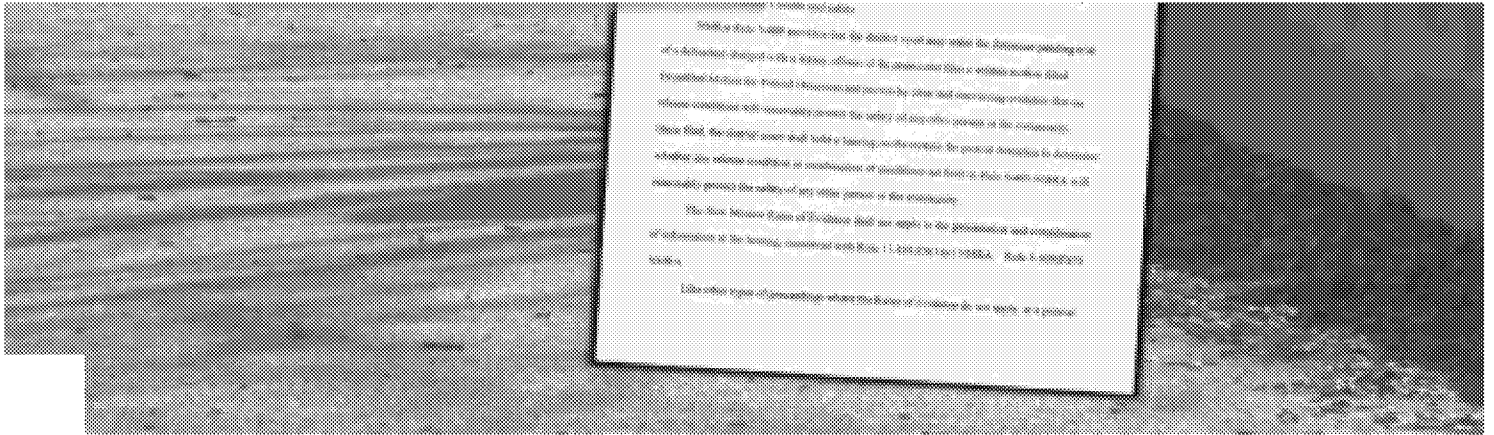
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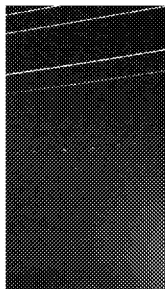
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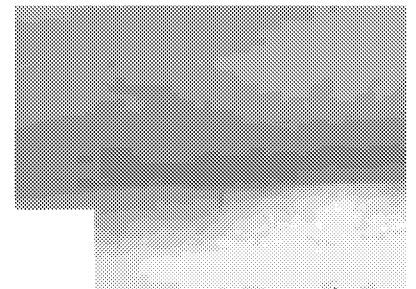
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Science MAY 19, 2021 8:06 PM AEST



Study: Wildfires threaten river networks in western U.S

Timeline

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11:44 PM AEST

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Microenvironment of breast cancer in three dimensions

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'No level of smoke exposure is safe'

11:24 PM AEST



A new study conducted by researchers from The University of New Mexico has found that wildfires — which have been increasing in frequency, severity and extent around the globe — are one of the largest drivers of aquatic impairment in the western United States, threatening our water supply.

The research, "Wildfires increasingly impact western U.S. fluvial networks," was published recently in Nature Communications. Authors include former UNM graduate students Grady Ball (now at the U.S. Geological Service) and Justin Reale (now at U.S. Army Corps of Engineers);

former postdoctoral researcher Peter Regier (now at Pacific Northwest National Laboratory); associate professor Ricardo González-Pinzón (Department of Civil, Construction and Environmental Engineering) and research assistant professor David Van Horn (Department of Biology).

The study found that about 6 percent of the length of all the streams and rivers in the western U.S. were directly affected by wildfire disturbances (defined by being located in burned areas) between 1984 and 2014, and that every year there are about 342 new kilometers of them directly affected. When the researchers accounted for the longitudinal propagation of water quality disturbances within and across watersheds, it was estimated that wildfires affect about 11 percent of the total stream and river length.

"More than 10 percent of the rivers in the western U.S. have been impacted by wildfires," González-Pinzón said. "That's a lot and puts wildfires as one of the top causes of water impairment in the country. It's a big deal."

The authors said that there have been few studies on the impact of wildfires on fluvial (river) networks, so this study is significant because it was the first large-scale analysis to utilize remote sensing of burn perimeter and severity, in-situ water quality monitoring, and longitudinal monitoring to determine estimates of stream and river length impacted by wildfires at a continental scale.



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"It is distressing to realize how little we know about the impacts of wildfires to rivers," Gonzá Pinzón said. "Especially because this is relevant to the daily life of those living in the western the country and particularly in New Mexico, a state that is currently and commonly experien to 100 percent severe droughts."

Although the direct impact of wildfires in places such as California has been widely reported, particularly in terms of lives and structures lost (the 2018 California wildfire season claimed lives, damaged 24,000 structures and resulted in \$2 billion in insurance claims, the study rep the direct and extended impacts of wildfires have not been thoroughly quantified.

The study alerts that there is growing evidence that wildfires trigger cascading impacts in river networks. Although wildfires are not specifically mentioned on the U.S. Environmental Protection Agency's Clean Water Assessment, wildfire disturbances contribute to at least 10 of the top 2 critical disturbances listed in the assessment, such as elevated sediments, nutrient enrichment organic enrichment and oxygen depletion, elevated temperature, elevated metal concentration habitat alterations, elevated turbidity, flow alterations, elevated salinity and/or total dissolved and changes to pH and conductivity. Since forested watersheds supply drinking water for approximately two-thirds of those living in the western U.S., the impact is massive, in terms of both economic water security.

The authors point out that wildfires impact water flow and quality since they originate on hills and cause decreased infiltration capacity and groundwater recharge, a severely reduced canopy vegetation to grow on impacted land, and a higher frequency of landslides and avalanches. / dangerous substances including metals in levels that exceed the World Health Organization's drinking water standards are found in surface water long after wildfires are extinguished.

Van Horn said one of the motivations for this study was witnessing the impacts of the 2011 La Conchas wildfire, the second-largest wildfire in New Mexico's history, resulting in rapid and flooding in the burned area and a measurable decrease in the water quality of the Rio Grande the burned site of hundreds of kilometers downstream.

"We were fortunate in a sense to have the fire in our highly instrumented back yard, where we study its impacts as it was happening," he said.

There was a dramatic decrease in oxygen in the water, as well as the transportation of large quantities of ash and sediment that forced a two-month shutdown of the City of Albuquerque's surface water intake, which provides about 70 percent of the drinking water to the area.

"Wildfires are impacting fluvial networks in time and spatial scales that we don't fully understand," Van Horn said. "Thus, we need to investigate how long and how far they remain an issue in watersheds."

"What we found was concerning, and there is a huge need for more research to be done," Gonzá Pinzón said.

In the near future, their team will focus on creating rapid response teams that can conduct research safely, on-demand, soon after wildfires are contained. That research will focus on answering downstream can wildfire disturbances propagate in fluvial networks and what are the main

5/19/2021

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Study: Wildfires threaten river networks in western U.S | Mirage News

controlling factors. Due to climate change and current forest management practices that have allowed fuels to build up instead of naturally burning in smaller fires, wildfires are only predicted to become worse in the future.

"We can't really engineer an easy solution to this because it occurs at the scale of continents, definitely need to improve how we can increase the resilience of aquatic ecosystems and alert people about the impacts of water quality degradation driven by wildfires to their day-to-day lives that means that we need to acknowledge that wildfires will continue to happen and that we learn how to deal with them," González-Pinzón said.

The study recommends a few action items that can be done to mitigate the effects:

- Invest funding in wildfire preparation and readiness. They advise that wildfire impacts on streams and rivers need to be prioritized for local, state, federal, and international funding. Funding can be included as a component of wildfire preparedness plans. Since wildfires behave unpredictably and evolve quickly, rapid response teams need to be established and funded to appropriately deal with watershed issues after fires.
- Increase focus on capturing longitudinal behavior. More resources should be devoted to the issue of downstream propagation of wildfire impacts. Additional research is needed, especially for what the team calls 'dynamic' monitoring approaches that focus on longitudinal data collection that supplement traditional stationary ecological monitoring strategies.
- Incorporate high-frequency data in environmental monitoring. Since wildfire-related water quality disturbances occur rapidly and over a short period, high-resolution and real-time data are essential. The team advises using high-tech tools for aquatic monitoring, sensors, and machine learning among the methods that could collect and interpret high-frequency data in near real-time.

Funding for this study was provided by the National Science Foundation and the U.S. Army Corps of Engineers' Upper Rio Grande Water Operations Model.

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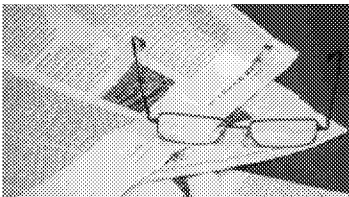


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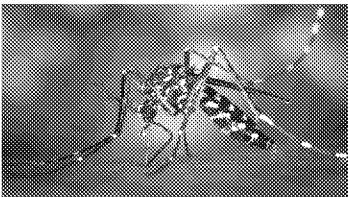
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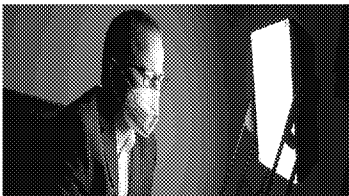
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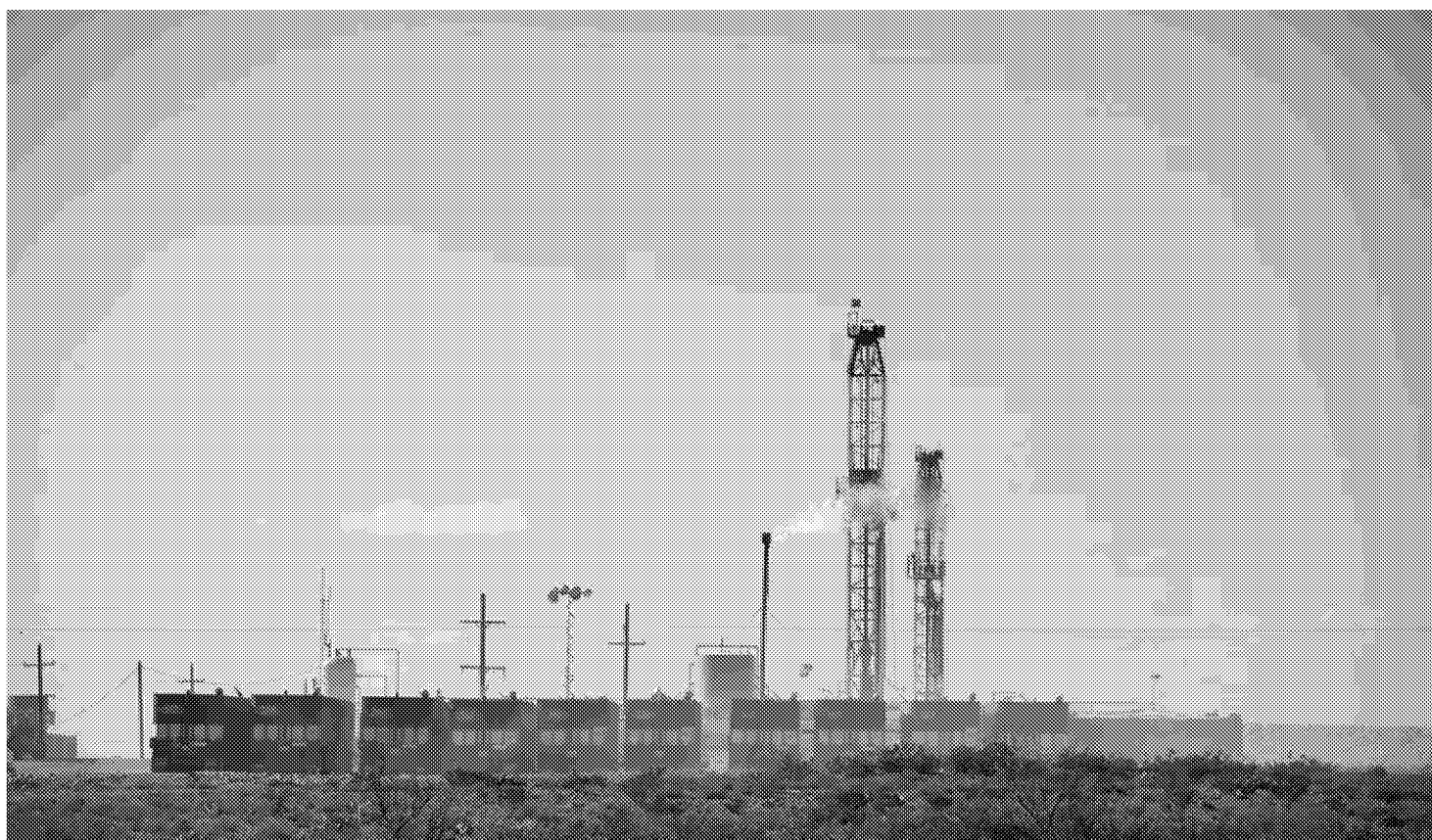


TEXAS LEGISLATURE 2021

Texas Gov. Greg Abbott signs law to bar city climate plans from banning natural gas as fuel source

House Bill 17 is a response to a trend in California, where cities have passed energy efficiency plans that prohibit new subdivisions from offering natural gas heating in order to reduce emissions.

BY ERIN DOUGLAS MAY 18, 2021 15 HOURS AGO

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A flame burning natural gas is seen on an oil rig outside of Mentone. A new law will stop cities from banning natural gas as a fuel source for heating homes and other buildings. Ivan Pierre Aguirre for The Texas Tribune

Sign up for The Brief, our daily newsletter that keeps readers up to speed on the most essential Texas news.

Gov. Greg Abbott has signed a bill into law that prohibits Texas cities from banning natural gas as a fuel source for new construction and utility services.

House Bill 17, which Abbott signed Tuesday, according to the Texas Legislature's online portal, is a response to a trend in progressive California cities. Abbott's office did not immediately respond to a request for comment.

The bill's sponsor, state Rep. Joe Deshotel, D-Beaumont, argued that banning natural gas would restrict consumer choices. Deshotel was not immediately available for comment Tuesday, but he previously told The Texas Tribune that he filed the bill in response to "what is happening on the West Coast," where cities have passed energy efficiency plans that prohibit new subdivisions from offering natural gas heating, requiring instead that new homes be heated by electricity.

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Using electricity to heat homes rather than natural gas reduces greenhouse gas emissions. The bulk of emissions from residential and commercial buildings in San Francisco are attributed to burning natural gas, which spurred the city's efforts to mandate a transition, [Inside Climate News reported in November.](#)

In Austin, the city's initial climate action plan would have virtually eliminated gas use in new buildings by 2030, but it was altered after Texas Gas Service opposed the measure, the [Texas Observer reported in March.](#)

The new law, which takes effect immediately, prevents cities or municipalities from "discriminating" against any particular fuel source.

At least a dozen similar bills were filed in states including [Kansas](#), [Minnesota](#) and [Ohio.](#)

But in Texas, the legislation was promoted as a response to the power outages caused by February's winter storm.

Lawmakers pointed to the ability of natural gas providers to largely continue supplying gas to homes during the storm. Gas-fired furnaces cannot run without power, but some people with gas service were able to use gas fireplaces and stoves.

Disclosure: Texas Gas Service has been a financial supporter of The Texas Tribune, a nonprofit, nonpartisan news organization that is funded in part by donations from members, foundations and corporate sponsors. Financial supporters play no role in the Tribune's journalism. Find a complete list of them [here](#).

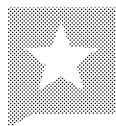
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TOP STORY

Environment

Victoria port officials plan to move forward with Zinc Resources facility

By Mark Rosenberg | mrosenberg@vicad.com

May 18, 2021



Victoria Port officials again discussed a proposed \$55 million-\$60 million hazardous waste facility at a Tuesday meeting.

By Mark Rosenberg | mrosenberg@vicad.com

Officials at the Port of Victoria are moving forward with plans to bring a hazardous waste facility to town after an independent environmental consultant found the facility is likely to comply with environmental regulations.

At a Tuesday afternoon meeting, Victoria County Navigation District commissioners took no formal action on the proposed Zinc Resources facility after going into executive session, but Executive Director Sean Stibich said they had reached a consensus to bring the \$55 million-\$60 million facility to the Port's north industrial site, pending the issuance of a final permit from the Texas Commission on Environmental Quality and the approval of a tax abatement by county officials.

"We have been working hard at the Port to enhance our infrastructure, improve operations and attract new industry to our region," Stibich said in a news release issued after the meeting. "We are excited to see our hard work paying off and look forward to pursuing this opportunity further."

The proposed facility would recycle EAF dust, a hazardous industrial waste that contains heavy metals and is a byproduct of the steel production process, into Waelz zinc oxide and Waelz iron, allowing those materials to be used further by industry. Zinc Resources has said the facility would employ about 60 people.

Given the port's proximity to Victoria and residential areas like Crescent Valley, some community members have expressed concerned about the facility's environmental impact. In its TCEQ permit application, Zinc Resources asked to annually emit up to about 164,000 tons of carbon dioxide, 165,000 tons of carbon dioxide equivalent, nearly 100 tons of cobalt, 61 tons of nitrogen oxides and about 95 tons of nine other pollutants.

TCEQ spokesperson Gary Rasp declined to comment on the potential hazards of those emissions Tuesday.

Longtime Crescent Valley resident Mark Caylor, who initially was concerned about the facility, said he was swayed after Zinc Resources CEO Ron Crittendon met with community members in the area and now supports the proposal.

“Every plant from here to Seadrift emits stuff into the air, but they’re not just going to push things into the air that are going to be above the acceptable levels,” Caylor said. “I just don’t feel like the air quality control people are going to allow a company to move in here that’s going to be a detriment to our community.”

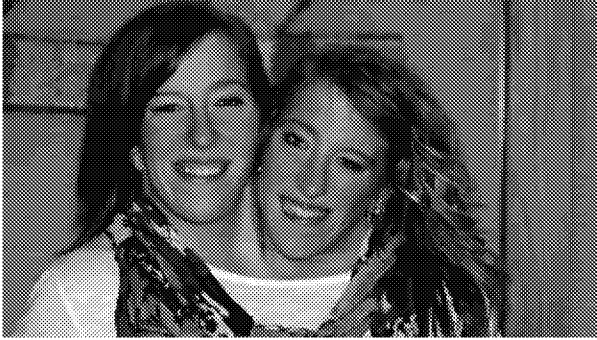
Stibich said he expects a tax abatement agreement to appear before county commissioners in the weeks ahead.

Mark Rosenberg reports on local, regional and breaking news for the Victoria Advocate as a Report for America corps member. He can be reached at mrosenberg@vicad.com or 361-574-1264 or on Twitter at [@markrosenberg32](https://twitter.com/markrosenberg32). To support local journalism at the Advocate through Report for America, go to VictoriaAdvocate.com/report.

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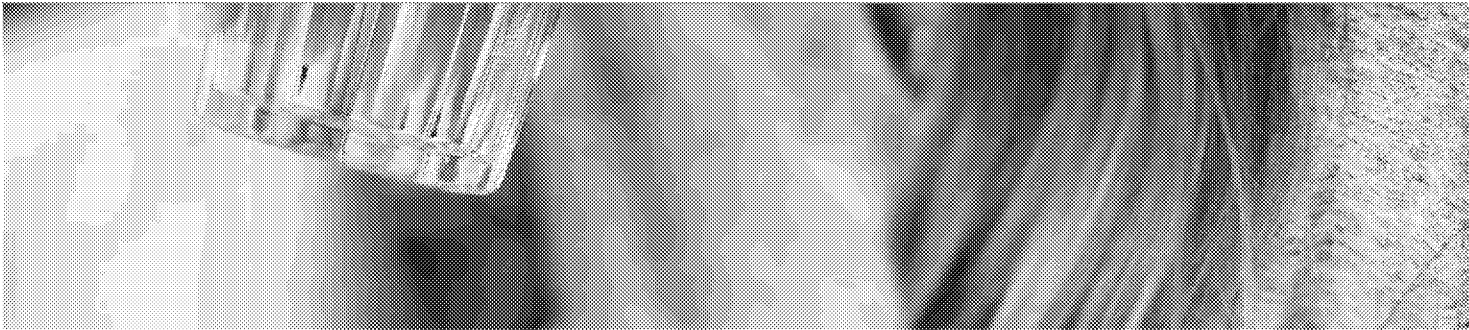
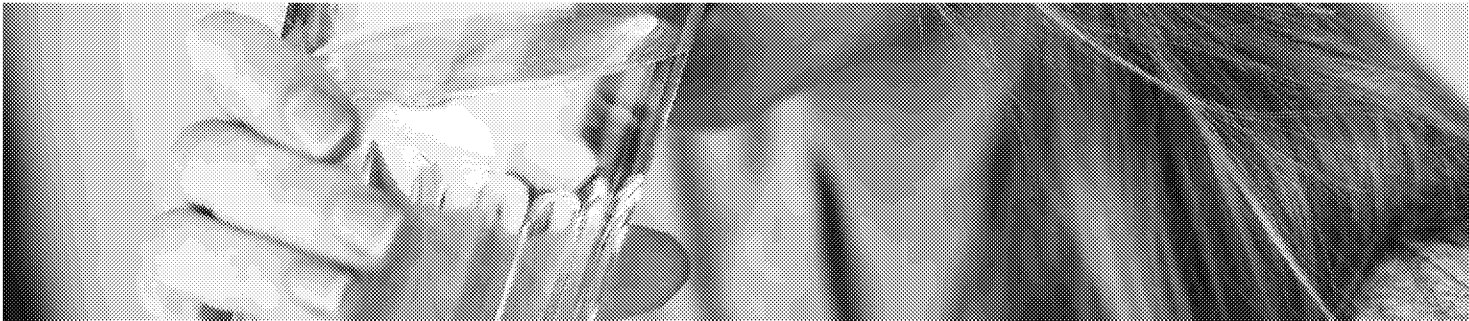
*"The one word I would use
to describe them is Love."*



EXPAND

NEWS

Boil water notice rescinded for Marshall



(Source: Pexels.com)

By KLTV Digital Media Staff | May 18, 2021 at 4:13 PM CDT - Updated May 18 at 4:13 PM

MARSHALL, Texas (KLTV) - The City of Marshall Public Works Department lifted the boil water notice Tuesday for the area of Hwy 59 and Cox Road.

Testing by the Texas Commission on Environmental Quality (TCEQ) confirms water quality to be safe for consumption.

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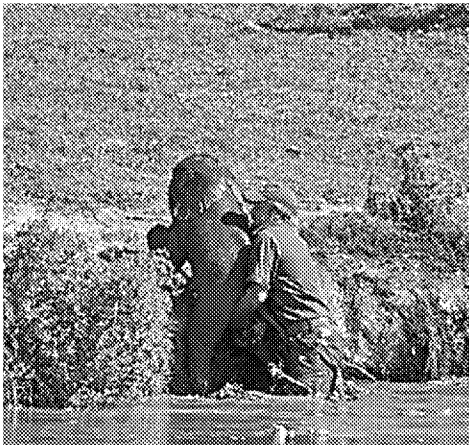
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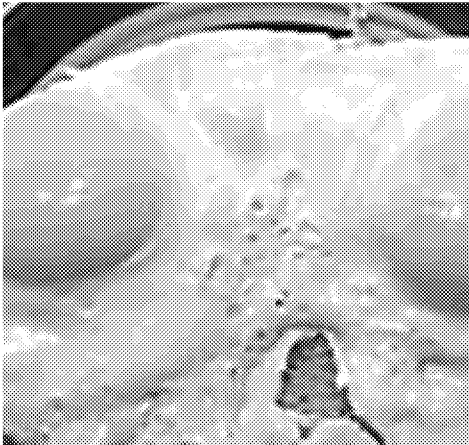
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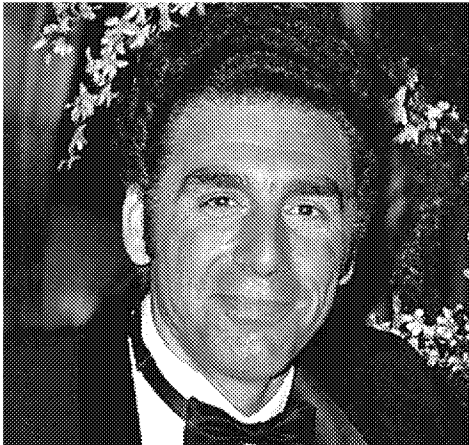
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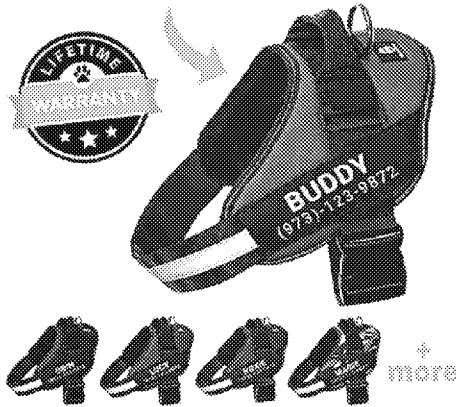


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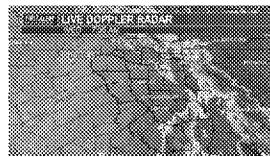
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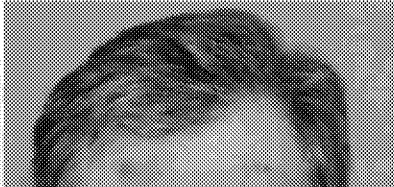
Escaped cow spotted wandering Gregg County neighborhoods

It is a black and white cow branded S&S on the right hip.

By **Stephanie Frazier**

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COURTESY: ANGELINA CO. SHERIFF'S OFFICE



Bobby

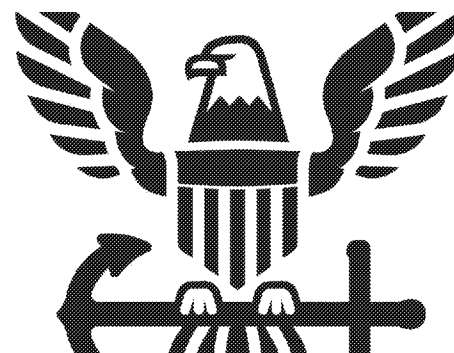
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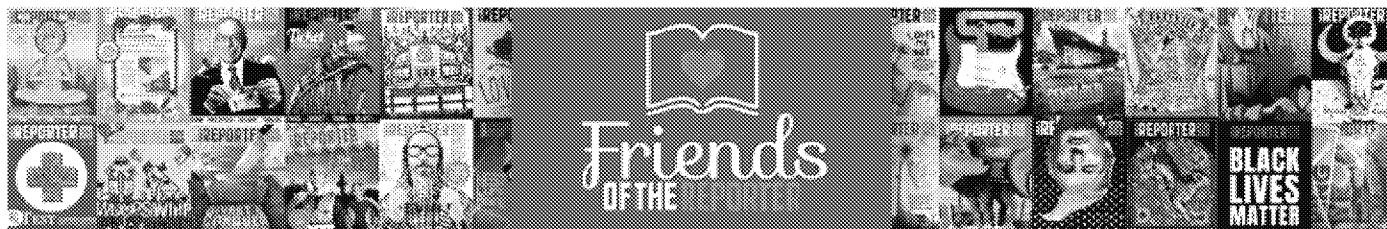


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Reining in Emissions

Tribal and state leadership work to catch up on regulating oil and gas air pollution
 Flaring at a gas plant in the San Juan Basin, home to the world's largest methane
 gas cloud. | Don Martinez



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By Leah Cantor | 12:00 AM

You can't miss the oil wells dotting the horizon on the drive between Counselor and Farmington in the San Juan Basin. On some days, it's easy for residents of the area to let the bobbing heads of wells simply fade into the background. On other days, though, when the wind is right, there's no escaping the odor of oil hanging in the air.

"Sometimes you pick up oil or gas smell and you just might not feel well, you might feel nauseated, you might notice a certain dryness in your throat, you might feel like throwing up," says Robyn Jackson, the climate and energy outreach coordinator for Diné CARE, a Navajo grassroots group advocating for stricter regulations on oil and gas emissions.

Drilling for oil has been penetrating the San Juan Basin for nearly a century, contributing hundreds of thousands of tons of emissions to the "San Juan hotspot"—a giant, Delaware-sized cloud of methane that droops low over the area.

New Mexico has more than twice the national average of greenhouse gas emissions per capita. Methane gas, which makes up only 10% of emissions nationwide, accounts for 35% of New Mexico's emissions, putting the Land of Enchantment among the country's top methane wasters. Now, state, tribal and congressional leaders are fighting to reverse the tide.



On the Navajo Nation, an effort began in 2019 to create an air permitting program that would limit both the emissions of methane and volatile organic compounds. These byproducts of oil and gas production mix with air and turn into ozone, a pollutant that, in high concentrations, can cause or exacerbate respiratory illnesses.

The regulation effort has gained urgency due to the COVID-19 pandemic, says Jackson.

San Juan County is among a handful of oil-producing counties in the state to receive failing grades for air quality in a recent report by the American Lung Association.

Emissions from the energy sector are to blame. The Environmental Defense Fund released a report earlier this year showing that methane emissions on the Navajo Nation are more than double the national average.

A health impact study conducted by the Counselor chapter of the Navajo Nation in 2020 found the majority of the chapter's residents live closer to wells than the national recommendation and breathe air with higher levels of fine particulate matter than other oil-producing communities nationwide.

Jon Goldstein, director of regulatory and legislative affairs for EDF, has helped craft new regulations proposed by both the Navajo Nation and the New Mexico Environment Department.

Goldstein says the rules under consideration by the Navajo Nation Environmental Protection Agency would make the nation the first tribe in the US to wrest control of emissions from the federal government and would put the tribe ahead of most states in tackling the crippling consequences of air pollution.

Yet, regulating emissions that impact the health of tribal members is complicated by the fact that most of the oil production in the San Juan Basin occurs in what's known as the "checkerboard" area where reservation lands are broken up by plots of federally and privately owned land.

For the tribe's air-permitting program to be effective in protecting human health in this complex region, the state and the federal government would need to follow similar rules.



Last week, US Sen. Martin Heinrich, D-New Mexico, that would reinstate Obama-era methane regulations passed the Senate; the House is expected to vote on the measure in coming weeks.

Navajo Nation President Jonathan Nez voiced his support of the bill in a letter to Senate leaders.

“While the Navajo EPA is developing our own regulations to limit harmful pollution from these sources, federal new and existing source standards are also of vital importance since our air knows no boundaries and pollution from neighboring areas can still have a negative impact on tribal communities,” Nez writes.

On May 6, the New Mexico Environment Department released its final draft of proposed rules to limit the emissions of volatile organic compounds.

The new NMED rule would also reduce methane emissions by 45% by 2030, or over 851 million pounds annually—the equivalent of taking 8 million cars off the road, according to the agency.

While this will clearly make a dent in the state’s contribution to climate change, New Mexico Environment Department Secretary James Kenney says the primary purpose of the new rules is to protect human health.

“The public health aspects of this rule are paramount,” Kenney tells SFR. “They are the most significant thing that we’re doing under this rule.”

“The benefit to the communities who have suffered the longest from these emissions—the frontline communities in the counties in which oil and gas has not only been a boon for their economy, but it’s also been a bust for public health as well—will be huge. These frontline communities deserve the same clean air everybody else has,” says Kenney.

The announcement of the new proposed rule comes on the heels of a parallel regulation adopted by the Oil Conservation Commission on March 25 that prohibits companies from wasting valuable natural gas resources through venting and flaring methane—a change expected to bring in \$43 million annually in taxes and royalties from the sale of the gas.

Kenney says NMED and the state’s Energy, Minerals and Natural Resources Department worked together to create a comprehensive emissions framework for the state with cohesive requirements that simplify industry compliance. He says the public also played a major role.

The first draft of the rule was released last year after dozens of public meetings. However, environmental groups objected to exemptions for “stripper wells”—defined as wells that produce less than 15 barrels of oil per day—and other small producers with low individual emissions.

The problem with that, says Goldstein, is that the majority of emissions in the state come from wells that fall into the exempt category.

The final exemptions.



Environmental advocates and industry groups say they are still reviewing the new draft, but so far environmentalists have announced their support while industry officials have not offered a clear position and appear to be taking a wait-and-see approach.

“New Mexico should be a leader in responsible energy development, and an appropriate regulatory framework will allow oil and natural gas to continue to deliver enormous fiscal and economic benefits to all New Mexicans while reducing emissions, safeguarding natural resources, and improving our environment,” New Mexico Oil and Gas Association Chairman Leland Gould said in a statement.

The proposed rule must go before one final NMED committee before it goes into effect. Officials expect a public hearing will take place in the fall.

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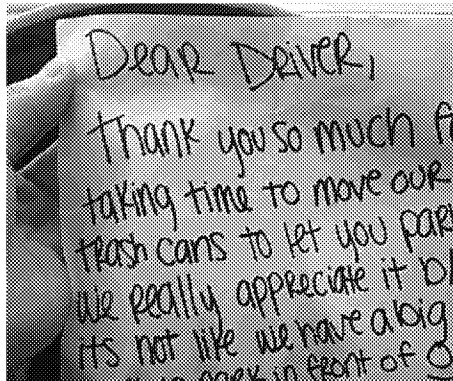
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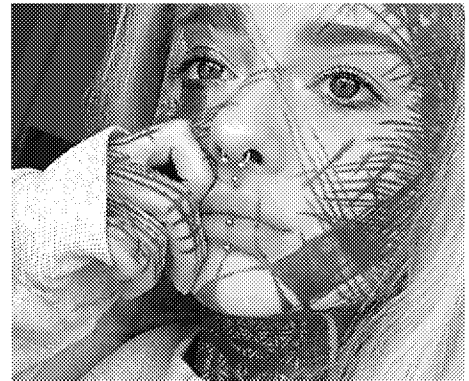
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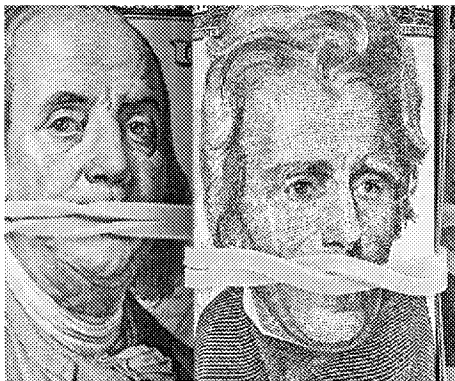
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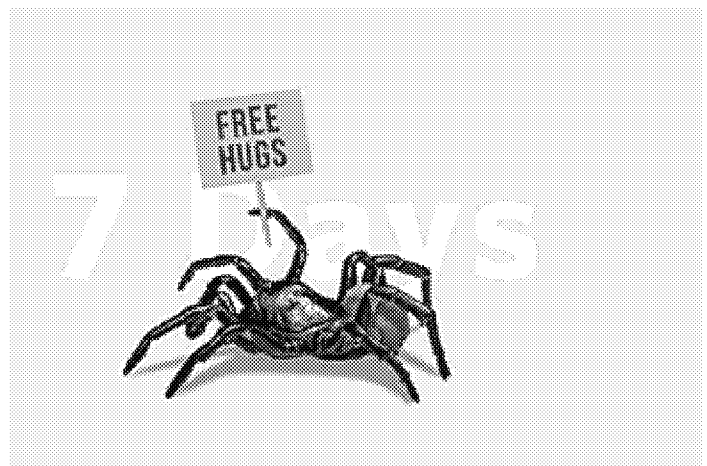
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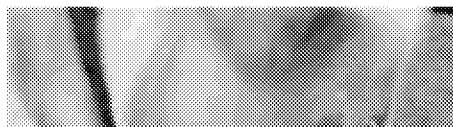
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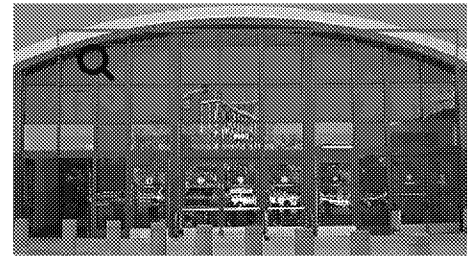




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Today

Encompass Health of Albuquerque Hiring Event

Encompass Health Rehabilitation Hospital of Albuquerque

The Magnitsky Affair – How to Oppose a Criminal State? (Russia Disruption Series)

11:00 am

📍 Online

"The Magic of a People" Zoom Lecture

2:00 pm

📍 Online

Brewery Tours & Vinyl at Tumbleroot's Bisbee Taproom

4:00 pm

📍 Tumbleroot Brewery and Distillery

Gerry Carthy at La Posada de Santa Fe

6:00 pm

📍 La Posada de Santa Fe

NEWS



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